

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby amends Chapter 59, “Tuberculosis (TB) Screening,” Iowa Administrative Code.

The amendment clarifies which health care workers are subject to the tuberculosis screening requirements outlined in 481—Chapter 59, as well as those individuals who are exempt from the screening requirements. The amendment was developed in cooperation with the Iowa Department of Public Health and addresses concerns raised by the Iowa Health Care Association and LeadingAge Iowa regarding TB screening of volunteers who work in health care facilities.

Chapter 59 addresses TB screening for health care workers in hospitals licensed pursuant to Iowa Code chapter 135B and health care facilities licensed pursuant to Iowa Code chapter 135C. One association submitted a comment related to the definition of “health care worker” during the initial rule-making process to adopt Chapter 59 (see **ARC 0484C**, IAB 12/12/12). However, after careful consideration of all comments and discussion with the Department of Public Health, it was decided that no changes should be made to the Adopted and Filed rules. After publication of the Adopted and Filed rules, additional groups and individual providers expressed concerns specifically related to volunteers, prompting the need for this rule-making action, which is designed to address those concerns.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 3, 2013, as **ARC 0675C**. No comments were received; no changes were made to the amendment published under Notice of Intended Action.

The amendment was also Adopted and Filed Emergency on April 3, 2013, as **ARC 0674C**. The emergency filing permitted the Department to implement Chapter 59 in a timely manner and avoided unnecessary confusion for health care providers regarding the effective date of the chapter.

The State Board of Health initially reviewed the amendment at its March 13, 2013, meeting, and subsequently approved it at the Board’s May 8, 2013, meeting.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 135C.14.

This amendment shall become effective July 3, 2013, at which time the Adopted and Filed Emergency amendment is hereby rescinded.

The following amendment is adopted.

Amend rule **481—59.2(135B,135C)**, definition of “Health care worker,” as follows:

“*Health care worker*” or “*HCW*” means any paid or unpaid person working in a health care facility or hospital, including any ~~volunteer~~ or person who is paid either by the health care facility or hospital, or paid by any other entity (i.e., temporary agency, private duty, Medicaid/Medicare or independent contractors), or any volunteer who volunteers in a health care facility or hospital on a consistent and regularly scheduled basis for five or more hours per week. Specifically excluded from the definition of “health care worker” are individuals such as visitors, building contractors, repair workers or others who are in the facility or hospital for a very limited purpose and are not in the facility or hospital on a regular basis.

[Filed 5/8/13, effective 7/3/13]

[Published 5/29/13]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/29/13.